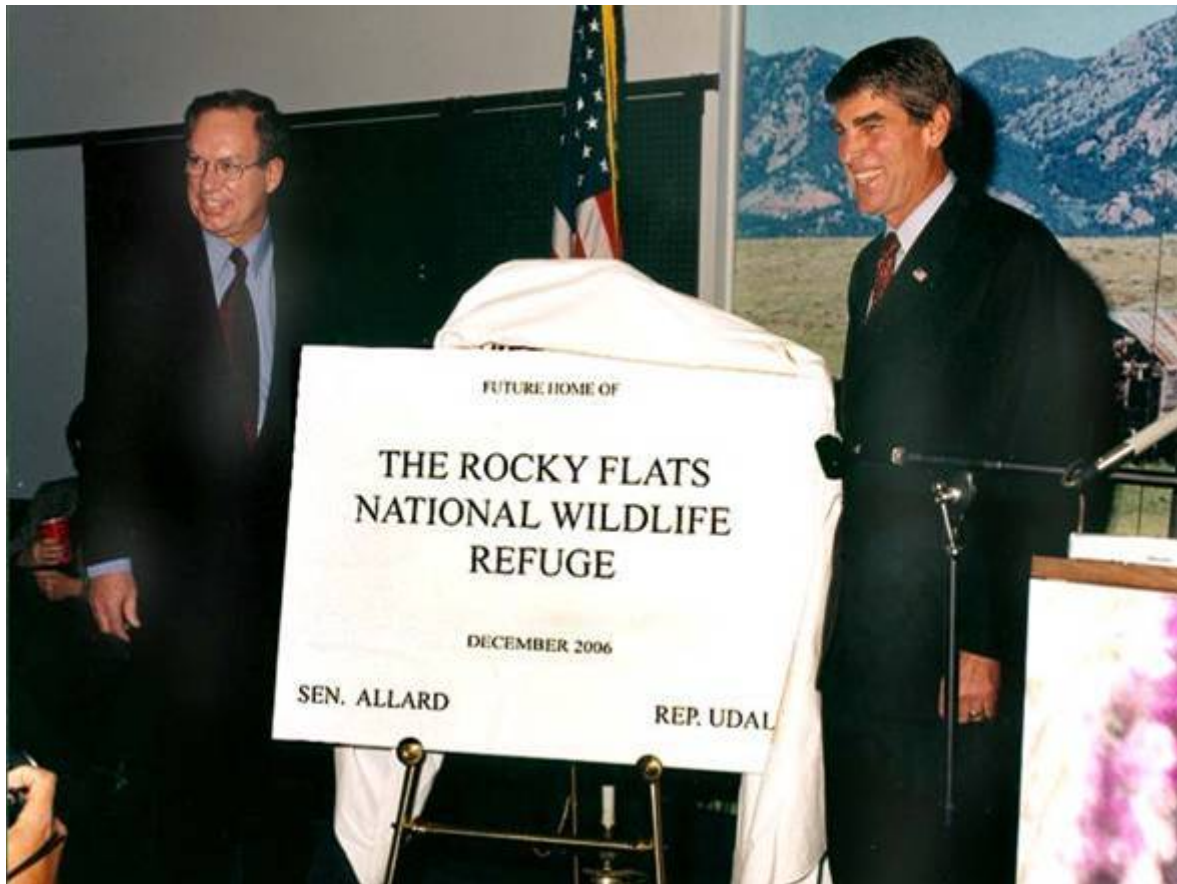


ROCKY FLATS CLOSURE LEGACY CONGRESSIONAL AND EXECUTIVE ADMINISTRATION SUPPORT



THE ROCKY FLATS CLOSURE PROJECT RECEIVED STRONG BI-PARTISAN SUPPORT FROM LOCAL, STATE, AND FEDERAL GOVERNMENTS FOR ACCELERATED CLOSURE, DISPOSITION OF MATERIALS, CLEANUP LEVELS, AND FUTURE SITE USE.

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INTRODUCTION

The Rocky Flats Closure Project required a complex and focused political strategy for its success. Rocky Flats Site was at the outset of this effort a controversial, even notorious DOE site – the site of the first ever FBI raid of a federal facility, the occasion of the largest ever contractor penalty payment for violations of environmental laws, and the facility containing “the most dangerous building in America.” Success at Rocky Flats relied on a series of innovative, high-risk strategies in regulatory reform, contract reform and strategic orientation and planning. None of these initiatives could be developed or implemented in a political vacuum. They would all take place in the crucible of public and media opinion, intense scrutiny from interest groups and the bureaucracy, and as part of an ongoing political tug of war between the political leadership of the Department and the key interested Members of Congress.

Given the nature of the challenge facing Rocky Flats an approach gradually developed to overcome these challenges, a political strategy that was absolutely essential to the success of the project. The political strategy for Rocky Flats was not conceived and developed all at once. Like the other elements of the closure project, it took form gradually, through iterative steps and sometimes in divergent and inconsistent directions. Initially, the political strategy had a few key goals: to obtain sufficient funding to enable the project to succeed; to ensure that DOE-HQ actions were integrated in a manner that would enable DOE success at the Field Office level; and to ensure that the regulators worked to enable success of the new [Rocky Flats Cleanup Agreement \(RFCA\)](#).³ Over time, the political strategy developed into a set of implicit understandings among the key participants that were interwoven throughout the Site vision, comprehensive closure plan, and regulatory approach. In this section, for simplicity of presentation and readability, the multiple commitments and understandings will be referred to as “The Strategy”. It should be clearly understood that the strategy was not any specific written or verbal contract, nor was it secret. Rather, it was a set of understandings regarding responsibilities and accountabilities, often publicly discussed, and necessary to enable the vision of closure by 2006.

This section will analyze the strategy. It will address the definition, the evolution, the parties, the preconditions, what the parties hoped to gain from it, how the strategy relates to and is impacted by the other elements of closure, and the changing circumstances at Rocky Flats and how they in turn impacted the strategy. Almost all the actions and events described in this section occurred in the 1995 to 1998 timeframe. By the end of 1998 the strategy had reached sufficient maturity that the management focus turned to the challenges of implementation, of making it happen. Those implementation steps are described in succeeding sections of this report.

ACCELERATED CLOSURE CONCEPT **CONGRESSIONAL SUPPORT**

REGULATORY FRAMEWORK
CONTRACT APPROACH
PROJECTIZATION

SAFETY INTEGRATION
SPECIAL NUCLEAR MATERIAL
DECOMMISSIONING
WASTE DISPOSITION
ENVIRONMENTAL RESTORATION
SECURITY RECONFIGURATION
TECHNOLOGY DEPLOYMENT
END STATE AND STEWARDSHIP
FEDERAL WORKFORCE
STAKEHOLDER INVOLVEMENT

Every closure site needs a strategy that the political leadership, career bureaucracy and state regulators can buy into.

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DISCUSSION

Definition of the Strategy

At its simplest, the strategy is straightforward:

- Rocky Flats would maintain a credible project plan for closure by 2006 and demonstrate steady progress towards 2006 closure.
- Congress and the political leadership of DOE would provide steady funding for the project and provide the support needed to keep the project on track. (This support could range from providing receiver sites and containers on a timely basis to ensuring that external or internal issues are appropriately addressed.)

If DOE failed to deliver on either of these core commitments, the strategy would be at risk. For example, if Rocky Flats started making extravagant commitments for additional cleanup, or stated publicly that the 2006 date was no longer a DOE priority or started reporting that it was no longer on track for 2006, it risked losing congressional and executive administration support. A third part of the strategy was maintaining regulator and community support. As the project became more secure, this element became less at-risk. For example, in the 1996-97 time frame the office of the governor organized several letters from area mayors to DOE HQ urging support for the Rocky Flats cleanup on a wide range of issues. By the year 2000, Congressional officials were willing to tell the community that they should not expect more time or money for the project, since the commitment gained from colleagues outside of the Colorado for Rocky Flats funding was contingent on Rocky Flats being finished by the end of 2006.

The strategy required constant reinforcement and reaffirmation. During the late 1990s, the Site was very cognizant of the competitive environment it faced. Since the case for funding Rocky Flats relied largely on the credibility of its claim that it could be the first major site to close, maintaining that credibility in the face of increasing challenges from other quarters became critical. The Site had to continually demonstrate that it was “investment grade” and that the ongoing investment was worthwhile.

Specifically, this meant meeting regulatory milestones, using and refining planning tools, demonstrating beyond doubt and without spin that real work was progressing against a finite and achievable project scope. For example, the contractor, Kaiser-Hill (K-H), and the DOE Rocky Flats Field Office made a conscious effort to annually report to Congress and to the community using clear and objective metrics how the project was performing compared to the plan, and what work needed to be done in the next year. Another key indicator of progress was the Site’s ongoing effort to align the project, the contract and RFCA. At a time when typical reporting protocols described achievements as stand-alone items or annual summaries, Rocky Flats showed

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Alignment of the contract, the regulatory agreement the budget and site planning documents must be achieved.

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all of its work as one year's slice of a total, multi-year project. Increasingly detailed projectization established and maintained Rocky Flats' credibility in Congress as "investment grade." Rocky Flats' annual reports reported progress towards completion, in contrast to previous reporting which showed annual metrics of accomplishment, but not towards a goal of completion.

Over time, other elements of the strategy emerged. These included:

Avoiding excessive cleanup scope. Throughout the late 1990s Rocky Flats actually used the RSAL (residual soil contamination levels) issue as a positive argument in presenting the project to DOE-HQ and congressional sponsors. The RSAL controversy in the local community demonstrated that the cleanup was risk based and predicated on reasonable future use assumptions. Partial evidence of the Site's seriousness toward a reasonable and focused closure was lingering community resentment. If the community felt we did not go far enough in cleanup commitments, then in DOE-HQ and congressional eyes we clearly were willing to make tough decisions to get the important work done. This became a key message for all DOE-HQ and Congressional visits, where we took visitors to the observation area near Trench 3 and described the Site's risk-based environmental remediation approach in precisely those terms.

Avoiding safety mishaps and other controversies. A presumption underlying political support for the cleanup was fending off the criticism that this would be a profit-driven "dirty-cleanup", or one that involved "cutting corners" on safety to earn fee. This meant ensuring safety and, perhaps just as important, ensuring the perception of safety. Looking back, the Site's safety record was exemplary for most of this time period, with an almost ten-fold decrease in lost workday rates and recordable injuries over the project period, despite completion of some of the most dirty and dangerous demolition work. Despite the overall positive safety trends, there were several high profile safety events discussed in detail in the [Safety Integration](#) section. These few events did not result in any serious worker injuries, but reflected system lapses and gained significant attention because of the pervasive perception that increased performance incentives degraded safety. Issues with safety did not raise serious questions about the viability of the project until the [January 2001 letter](#) from the DOE Rocky Flats Manager,¹⁰ which raised some concerns among key players that the strategy might be threatened. Similar concerns appeared in any safeguards and security issues that arose.

Ensuring a threshold level of community support. This was always in tension with the two elements above. The Site needed enough community support to show a united front before Congress and the administration, but not so much support as to lend credence to the idea that this project represented a sweetheart deal between Congress, the political leadership of DOE, the Site

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and the community. Balancing these elements was an ongoing challenge during the late 1990s.

The Key Participants for the Closure Strategy

Many parties had interests that aligned or had some nexus with Rocky Flats. For decades the Site had served as local fodder for political and media attacks; something about Rocky Flats was in the newspaper, often on the front page, almost daily in the early 1990s. As the closure plan started to emerge and take shape, key participants began to be identified. Some were destined to play key roles due to organization or office, others due to job assignment or interest. The table on the following page lists the key parties by organization and name during the primary period of the closure project discussed in this report.

The parties to the strategy might be surprised to see themselves identified here as participants. Indeed, they were likely not aware at the time that they were in the business of strategizing a nuclear plant closure. But in hindsight, their efforts can only be characterized that way, as stated earlier through their input on approaches and expectation of shared responsibilities and accountabilities. The parties to this strategy shifted over time as [Figure 2-2](#) reflects. In some cases, the principals were only vaguely aware of their role in sculpting this strategy, in that they delegated the details to staff. In other cases, the principals knew exactly what they were doing and their staffs had only a vague notion of the strategy.

The strategy evolved almost entirely in the 1995 to 1998 timeframe. By the end of that period enough understanding had been gained and tangible progress demonstrated, that the focus turned to ensuring execution of the strategy. The principal participants in the evolution of the strategy were the DOE Rocky Flats Managers, Kaiser-Hill Presidents, Assistant Secretaries for Environmental Management, Secretaries of Energy, Colorado Senators and Congressmen, and Colorado Governors. In addition, the strategy received Congressional support from outside Colorado, most notably from influential Congressmen and Senators, as well as Senate Armed Services Committee and House Appropriations Committee staffers, interested in supporting a project focused on completion. The Colorado Lt. Governor also played a pivotal role in the mid-1990s by supporting the RFCA negotiations, by maintaining a bipartisan focus among elected officials in Colorado on the cleanup, and by intervening often in Washington to keep the closure on track.

*The project
cannot
succeed
without
political
support from
DOE
Headquarters.*

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Rocky Flats Site Managers

Mark Silverman	1993-1996
Jessie Roberson	1996-1999
Paul Golan-(Acting)	1999-2000
Barbara Mazurowski	2000-2002
Eugene Schmitt	2002-2003
Frazer Lockhart	2003-Present

Rocky Flats Contractor Managers

Jim Zane [EG&G]	1990-1993
Anson Burlingame [EG&G]	1993-1995
George O'Brien [K-H]	1995-1996
Marvin Brailsford [K-H]	1996
Robert Card [K-H]	1996-1998
Alan Parker [K-H]	1998-2002
Nancy Tuor [K-H]	2002-Present

Assistant Secretary for Environmental Management

Leo Duffy	1991-1993
Thomas Grumbly	1993-1996
Alvin Alm	1996-1998
Caroline Huntoon	1999-2001
James Owendoff (Principal Deputy)	1999-2002
Jessie Roberson	2001-2004
Paul Golan (Acting)	2004-2005
James Rispoli	2005-Present

Secretary of Energy

James Watkins	1989-1993
Hazel O'Leary	1993-1997
Federico Peña	1997-1998
William Richardson	1998-2001
Spencer Abrams	2001-2005
Samuel Bodman	2005-Present

State of Colorado Executives

Roy Romer	1987-1999
Gail Schoetter [Lt. Governor]	1995-1999
Bill Owens	1999-2007

U.S. Senators (Colorado)

Ben Nighthorse Campbell	1993-2005
Wayne Allard	1997-Present
Ken Salazar	2005-Present

U.S. Congressmen (Colorado)

David Skaggs	1987-1999
Wayne Allard	1991-1997
Mark Udall	1999-Present

RFCA Principals (CDPHE and EPA)

Jack McGraw [EPA]	1995-2004
Max Dodson [EPA]	2004-Present
Tom Looby [CDPHE]	1995-1997
Patti Shudyer [CDPHE]	1997-1999
Doug Benevento [CDPHE]	1999-2005
Howard Roitman [CDPHE]	2005-Present

RFCA Coordinators

Tim Rehder [EPA]	1996-2003
Mark Aguilar [EPA]	2003-Present
Steve Tarlton [CDPHE]	1996-1998
Steve Gunderson [CDPHE]	1998-2005
Carl Spreng [CDPHE]	2005-Present

Figure 2-2, Key Leaders Impacting the Rocky Flats Site Closure

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Preconditions for the Strategy

The key preconditions for the strategy were: a site large enough to be tough, but not so large as to be too tough, contractor and DOE leadership committed to cleanup and closure and not seeking any other mission, bipartisan in-state support, and a supportive community and regulators.

Relationship of the Strategy to the other elements of the Closure Project

The political strategy was intricately inter-related to the contract approach, project planning and budgeting mechanisms and the regulatory approach. These tools helped implement the strategy, but they also helped refine and support the strategy, and the competitive pressures of the strategy impacted these mechanisms. First, the strategy could never have been fully consummated without having superior tools in each of these areas. Part of the strategy was to secure funding for Rocky Flats ahead of projects with greater risks, more complex technical challenges, more invasive regulatory agreements and more powerful Congressional Delegations. Rocky Flats' principle argument was that it should be funded because it could close early, and this would allow funding for other priorities after Rocky Flats was completed. Rocky Flats needed to establish and bolster its case in part by the superiority of its implementation tools.

It is important to note that the political environment in Congress is dynamic and not static; it is competitive and not monopolistic. Other sites, other contractors and other elements of DOE with diverse interests served to bolster a competitive environment that pushed Rocky Flats to continually refine the contract, the plan and the RFCA to maintain the Site's competitive advantage. The evidence of this constant pressure to innovate was the annual Amelia Island and Congressman Doc Hastings breakfast presentations. Each year, these presentations were crafted to not only demonstrate the Site's progress in real work, but also the refinement in the tools and elements of closure. These included the evolution from [regular Performance Measures](#)¹² to [Stretch Performance Measures to Gateway and Superstretch Performance Measures](#),¹³ or the evolution of RFCA milestones to the earned value approach. These tools did not develop solely due to political pressure, but the reality of the political situation was a factor driving the Site's need to continually innovate.

Why did the parties want the strategy? What were their interests?

The parties to the strategy had different interests. The DOE needed a success story that could maintain the viability of the program in the face of severe criticism (several members of Congress had called for elimination of the Environmental Management program in DOE during the 1995-1996 timeframe). K-H had stated an overall corporate strategy to build and

DOE and the contractor must collaborate. The contractor will have more flexibility to work with Congress and the political system. DOE will have more flexibility to work the internal system. Both are needed for success.

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maintain a global reputation as the best environmental cleanup firm in the world. The Senate Armed Services Committee and House Appropriations Committee needed a plan to compel support for DOE Environmental Management (DOE-EM) current and out-year funding. DOE Rocky Flats managers needed a compelling case for funding that would enable further progress towards cleanup and would reverse the competitive disadvantage they faced with larger sites. Later, this evolved into a self-reinforcing mission. Rocky Flats became so invested in accelerated closure that its interest in the strategy required no further justification. Similarly, Colorado public officials were initially invested in the strategy for reasons of public health and safety. Eventually, their political reputations were linked to success at Rocky Flats.

None of these players bought into the strategy easily or readily. Senior DOE officials supported the strategy out of political necessity to show some dramatic turnaround within the Environmental Management program. Rocky Flats Site Managers faced a dilemma of Site health, safety, and compliance; the strategy represented the only way out of it. The Congressional committee staffers understood intuitively that a strategy was needed, but from their perspective it did not have to be Rocky Flats. K-H needed success at Rocky Flats, but they could have achieved success under the contract and success politically without this strategy. That is, K-H could have claimed success at Rocky Flats without going nearly as far as it did. K-H senior managers and corporate officers took a set of business interests for K-H and pushed them beyond what was needed to satisfy their immediate corporate interests. They sensed what was possible at Rocky Flats, and seized the opportunity (really a series of opportunities over time) to create the possibility of a landmark accelerated closure. It is also true that K-H could not have been successful without energetic, risk-taking support from DOE Managers, a visionary and courageous Assistant Secretary for Environmental Management and determined and politically skillful support from the Secretary's office.

They sensed what was possible at Rocky Flats and seized the opportunity to create the possibility of a landmark accelerated closure.

Implementing the Strategy

All of the players had an interest in Rocky Flats' success. Rocky Flats had all of the pieces to be poised for success and the climate was ripe for DOE-EM to promote a success story. But the ongoing success of the strategy still depended on skillful implementation. The key players in DOE, Congress, the media and Colorado had to be told and reminded of the elements of the strategy. They had to be persuaded to continuously and vocally support it. The Site needed to be attentive to political and budgetary threats, and needed to respond appropriately. Some elements of the successful implementation of the strategy include:

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Non-traditional support. A key element in Rocky Flats' success in Washington, DC was persuading Members of Congress, with no apparent interest in Rocky Flats, to speak out and support the project. It was expected that members with a local or parochial interest would speak out on behalf of their site. A member with no apparent interest speaking out gets far more notice. K-H was able to persuade numerous Members of Congress that expeditious closure of Rocky Flats would serve their own local interests by freeing up funds for their sites and priorities. This support was invaluable in cementing overall political support for the project.

Community lobbying. At least once a year, the communities surrounding Rocky Flats visited Washington, DC and met with key officials at DOE (career and political) as well as with Members of Congress and their staffs. While the communities often had specific local differences with the Site, in Washington, DC they tended to adhere to their common support for the main mission and strategy for the Site. Such community engagement was common for DOE sites and often simply dismissed as parochialism. However, since Rocky Flats had no long-term mission and the communities were not seeking jobs or economic development, the community support for the cleanup repeatedly demonstrated alignment with a common mission and strategy.

Accountability. About three times a year, Site representatives went to key opinion leaders to state explicitly the progress made in the past year, how it compared to the expected progress, the projected progress for the following year, and how much of the project remained. Further, the Site always had available a very specific account of how it would spend more money, down to quantities, waste streams and other specifics. The venues for these presentations varied. They included the House Cleanup Reform Caucus breakfast (the Doc Hastings breakfast), the Weapons Complex Monitor Decisionmakers' Forum (Amelia Island), the annual K-H visits to Congress and the annual DOE Rocky Flats "State of the Flats" meeting. This consistency of presentation provided a level of accountability sought in Congress, where the typical story throughout the 1990s tended to be of projects over cost, behind schedule and out of compliance.

Funding Stability. A key element in the Rocky Flats success was aligning DOE HQ and Congress around the need for stable funding. Starting in about 1997, Rocky Flats identified a baseline funding level needed to sustain the project through closure in 2006. Once this was established in DOE documents and with Congress, it became unnecessary for Rocky Flats to wrangle with Congress regarding money. This meant that there were no energy draining disputes about plus ups or other funding issues, and it enabled the Site to distinguish itself by not asking for money and to go on to request help in other areas. This early alignment on funding is in part a consequence of the mission – Rocky Flats was not seeking a new mission, hence it did not

Every presentation, every slide show, every Hastings brief or Amelia Island presentation must contain the same basic message. In exchange for funding and support we pledge to achieve specific progress annually, and get the whole job done by a date certain.

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need more funds. In part it was also due to the political alignment achieved earlier. In any case, it helped enormously in cementing Rocky Flats' credibility and in maintaining the political support for Rocky Flats closure.

Strong support from the Office of the Secretary. The Site leadership understood that the project was a priority for the Secretary of Energy, particularly in the late 1990s. The Site was sometimes asked to work directly with Secretarial staff to expedite resolution of issues that might otherwise have taken months. The Secretary releasing his action plan for Rocky Flats closure in 1998 reflects the level of engagement and is discussed later in this section.

Congressional interest in resolution of issues. A key priority of the political strategy was getting decisions made quickly. Sometimes, the DOE could not resolve an issue. Continued congressional interest and inquiry on issues provided the push necessary to get some issues resolved. Usually, this outside interest was only successful when a decision was delayed simply due to slow staff-work or inattention. In the case of a real internal difference of opinion on a policy issue, Congressional inquiries were not sufficient to resolve an issue.

A key priority of the political strategy was getting decisions made quickly.

The Evolution of the Strategy

The strategy took on its basic form over a three-year period from 1995 to 1998. In early 1995, Rocky Flats was managed under a Management and Operating contract that provided full reimbursement for costs. Rocky Flats labored under a dysfunctional regulatory agreement, with negotiations for a new agreement seemingly at an impasse. The Site was seriously worried about sufficient funds to protect against a major event or accident. Even the much-derided closure cost projections of DOE's Baseline Environmental Management Review were months away. With contract reform and with stakeholder support, by late 1997 the Rocky Flats Manager had signed onto an agreement with DOE-HQ committing the Site to a 2006 closure goal. This agreement was codified in a letter from the Secretary to the President in June 1998.

Starting in 1995, DOE as a whole was hungry for any sign of progress or success in the complex. The fact that DOE had designated the Fernald Site in Ohio and also Rocky Flats as the first targets for contract reform made Rocky Flats (and Fernald) well poised to be promoted to Congress as a success story. DOE touted both the new contract mechanism and the new contractor as precursors to great success. In April of 1995 the Secretary of Energy personally announced the selection of the new contractor at Rocky Flats. Similar high hopes were invested in the new regulatory agreement. The Undersecretary announced boldly in the spring of 1996 when the new RFCA

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was issued for public comment that “this agreement will mean that DOE starts moving dirt, not paper.”

As discussed above, the new contract, the new regulatory agreement, the paradigm shift to a closure concept and improved Site performance all played into the development of the strategy. But the earliest form of the strategy was simply the argument to key members of Congress that more money spent at Rocky Flats would lead to more specific and concrete cleanup accomplishments. This early plus-up of funding was linked to accelerated cleanup initiatives, not accelerated closure of the Site as a whole. For example, the Conference Report for FY 1996 Energy and Water Appropriations bill offers strong support for “efforts at sites such as Fernald, Ohio and Rocky Flats, Colorado which have developed detailed plans to expedite the cleanup actions and reduce costs to the taxpayer.”

The story did not end with a simple understanding of more funding from Congress due to better performance. In fact, the deal quickly evolved into a much more significant change in thinking that enabled it to take on its more current form. Early on in the re-thinking of the Rocky Flats cleanup, planners at K-H and at DOE were considering moving not merely from operations to cleanup, but all the way to closure. This intellectual planning effort began as work by a tight circle of K-H and DOE Rocky Flats staff. By late 1995, it began to be briefed to the community around Rocky Flats as a proposal to get the entire cleanup completed on an expedited and finite budget and schedule.

While the community was still considering what this new proposal might mean, and while DOE was still pondering how to force-fit this plan into awkward budget and planning processes, the DOE-EM program as a whole was fighting for its life. In 1994, a resurgent Republican movement swept the November elections and took control of the House of Representatives. They vowed, among other things, to shut down four cabinet agencies, among them DOE. Indeed, the DOE-EM cleanup program had been a target of bipartisan congressional ire since at least the early 1990s, due in part to annual reports from the Congressional Budget Office, General Accounting Office (now Government Accountability Office) and others that the cost, schedule and scope of the program were huge, escalating and out of control. Indeed, the early DOE reports on the cost and schedule for DOE-EM confirmed Congress’s ideological predispositions. The [Baseline Environmental Management Report \(BEMR\) I](#)⁴, published in 1995, projected completing the DOE-EM mission in over 70 years at a cost of over \$200 billion dollars. [BEMR II](#),⁶ published in 1996, only improved slightly on these projections. All of these reports cumulatively seemed to support the notion that DOE was out of control and ripe for elimination.

The basic principles of the strategy must be continually repeated and reaffirmed. Every presentation, every slide show, must contain the same basic message.

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Other federal agencies, most notably the Army Corps of Engineers, were interested in DOE-EMs mission. The Corps was aware of DOE-EMs vulnerability and of the interest by the new House majority in eliminating a cabinet agency. They offered Congress an easy solution for the single largest program in DOE: turn it over to us and we will run it efficiently.

It was in this context that Alvin Alm succeeded Tom Grumbly as Assistant Secretary for Environmental Management in 1996. Where Grumbly faced a chaotic program under constant criticism from Congress, Alm faced a determined ideological adversary committed to the dismemberment of his program. Where Grumbly could sincerely ask Congress for more time to get his program on a stable footing, Alm knew his time had run out. Alm recognized that for DOE-EM to survive it needed to promise Congress a strategy that could move radically to accelerated cleanup and closure. To address this Alm rejected the BEMR process and launched a “Ten Year Plan” for the DOE-EM complex. In its simplest terms, the plan meant that sites should bypass the BEMR process and identify the cost and strategies needed to get their sites to a steady state with substantial (~90%) risk and mortgage reduction in ten years. Alm had no proof that this was feasible, either technically or politically, at each of the sites. He did know it was critical for his success with Congress. He knew he would face resistance from the bureaucracy, foot dragging from the field offices and skepticism from Congress. His success therefore required at least one major site to have a credible strategy to close in ten years. This was the minimum he needed to maintain congressional support for DOE-EM.

Due in part to the new RFCA (signed by Assistant Secretary Alm in July 1996), the new contract, several early K-H performance improvements, and in some part due to his personal ties to the Denver area, Alm looked to Rocky Flats to be his showcase site, the one that would prove the viability of his strategy. It was through this marriage of Alm’s political needs and the regulatory and contract changes at Rocky Flats that the basic features of the strategy took shape.

While DOE-EM was conceptualizing the 10-year plan, Rocky Flats planners were moving slowly towards convergence of the RFCA and the closure planning process. The initial K-H [Accelerated Site Action Plan \(ASAP\)](#)⁸ had evolved into a suite of alternatives for the community. After a series of briefings and informal public input (since there was still no clear linkage of the closure planning process to any formal NEPA or CERCLA process), a consensus was emerging towards [ASAP 3c](#)^{15,16} a closure plan that turned out to be quite consistent with RFCA. This plan received validation after a team from DOE-HQ reviewed the still draft RFCA to assess whether it was affordable. This hybrid RFCA/3c scenario gradually became the working plan for the Site. Nevertheless, it still presumed closure in the 2010-2015

DOE and the closure contractor must collaborate. No political strategy can be successful if it is the sole product of either DOE or the contractor.

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timeframe. Over time, this led to the development and approval of an official Site baseline that contemplated closure by 2010.

Although DOE-EM initially looked to the accelerated plans at Rocky Flats as the model, they also realized that even the expedited plans at Rocky did not go far enough. Completion by 2010 was four years too late. Politically, DOE-EM needed a major site to close in 10 years, and that meant 2006. For months, DOE-EM staff wrangled with Rocky Flats over what it would take to get to closure in 2006. DOE-EM believed that all sites operated with massive inefficiencies and that the key to shaving years off of projected schedules was simply identifying and eliminating these inefficiencies. This exercise was followed throughout the complex in implementing the 10-year plan. DOE-EM staff believed Rocky Flats should behave like the other sites: commit to wringing inefficiencies out of the baseline in order to meet a 2006 closure date.

Rocky Flats believed that 2010 was achievable, but argued against committing to phantom efficiencies in support of a 2006 closure.

Rocky Flats argued against committing to “phantom efficiencies”. Rocky Flats believed that the 2010 baseline was credible and had been widely briefed to the community, the regulators and Congress. But the Site had explained widely that committing to 2006 would require additional funding, even if it would save life cycle costs. DOE-EM HQ had specifically told Rocky Flats to assume steady funding. This was part of what helped mold the 2010 baseline. Rocky Flats believed that emerging from a one-day meeting to announce that 2006 was now achievable without any additional funding simply due to efficiencies would lack credibility. Further, Rocky Flats argued that even achieving a 2010 closure was contingent on numerous political issues that HQ had to resolve, and contingent on a change in culture at DOE-HQ that thus far was far from evident. Rocky Flats demanded solid commitments of funding and receiver sites for waste shipments before moving to a 2006 schedule.

These discussions came to a head in November of 1997, when the Assistant Secretary and a team from DOE-EM came to Rocky Flats for a “work-out” to resolve these issues. The result was a commitment from the Rocky Flats and K-H Managers to achieve efficiencies and scope accelerations of 12% a year “that will result in savings of \$1.3 billion and making closure in 2006 possible.” DOE-EM in turn committed to expedite Special Nuclear Materials (SNM) removal, open WIPP and other receiver sites, avoid scope creep and other measures. At the time this seemed a breakthrough for both sides. Rocky Flats committed to DOE-EM to move to a 2006 closure target. DOE-EM committed to Rocky Flats to support expedited cleanup without language on phantom efficiencies Rocky Flats believed that if in fact DOE-HQ delivered on its commitments, it could be possible to achieve true 12% acceleration a year.

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This evolution of the strategy is also reflected in the evolution of congressional language. The 1997 appropriations bill described positively, “accelerated cleanup programs” at sites such as Fernald and Rocky Flats, and called for additional funding of up to \$50 million to support these efforts. The notion of a specific end date for the Rocky Flats closure was not discussed explicitly until the 1998 appropriations bills, where the potential cost savings of \$1 billion by moving from 2010 to 2006 was explicitly cited by Congress as the basis for increasing the funding for Rocky Flats. The strategy cannot truly be said to be fully implemented by Congress until Congress established the Closure Fund in 1998, a separate appropriations account specifically designed for “those DOE sites which have an established cost, schedule and project plan which permits closure of the entire site by 2006. At that time, the conferees are aware of only two sites which met those criteria: Rocky Flats, Colorado and Fernald, Ohio.”

Unfortunately, Congress documented its position too quickly. The November 1997 “work out” agreement did not mean Rocky Flats was now on an official 2006 schedule. Rocky Flats interpreted the “work out” commitment to mean that it would make every effort to accelerate its 2010 schedule to enable the stretch goal of 2006. During the 1998 budget discussions, this ambiguity became intolerable to the Secretary of Energy. The Secretary, in an October 1997 speech in Jefferson County, Colorado, declared Rocky Flats an “accelerated cleanup pilot project” and declared a cleanup date of 2006. Rocky Flats personnel considered the Secretary’s statement to be simply a glorification of the status it already enjoyed based on Congressional support and its commitment to target 2006 closure. Similarly, DOE-EM believed the 1997 agreement with Rocky Flats gave the Secretary what he needed to back up his 2006 commitment. Both DOE-EM HQ and Rocky Flats managers were wrong.

When the Secretary announced that Rocky Flats would move to a 2006 schedule, he neither understood nor accepted the fine distinction between 2006 as a stretch goal and as a firm commitment. The divergence between the understanding of just what kind of commitment DOE had to a 2006 closure became evident as the next budget cycle came around. The Secretary and his staff were shocked at statements from the Site that the likelihood of closure by 2006 was “remote.” The Site was shocked that the Secretary’s office seemed not to understand that the 2006 commitment under the proposed funding was still a stretch goal based on DOE-HQ delivering the seemingly impossible. The Site’s baseline continued to describe a 2010 closure, and the Site claimed that a firm commitment to 2006 would only be possible with substantial extra funding.

In early 1998, shaken by statements from Rocky Flats that conflicted with DOE-HQ budget statements that Rocky Flats would close by 2006, the

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Secretary dispatched his policy advisor to achieve the political clarity missing from the November 1997 agreement. The goal was to achieve “message discipline” – to end the divergent public statements. The Secretary’s advisor realized that Rocky Flats’ reluctance to embrace 2006 was not mere bureaucratic turpitude. He was sympathetic to Rocky Flats’ sense that the system simply would not deliver what was needed to enable closure by 2006. So the Secretary’s Office worked with Rocky Flats, K-H, and DOE-EM to craft the document designed to seal the 2006 deal. It was an overall management plan that described in specific detail every complex-wide action needed to support 2006, with a schedule.¹⁷ This document, [the Rocky Flats Closure Project Management Plan](#), later became a report to the President, and was released to the media by the Secretary. This completed the formal process of aligning the Rocky Flats planning process to the Secretary’s public commitments. Rocky Flats was now committed to 2006. DOE-HQ was committed to 2006. And the 2006 commitment was presented to Congress as a core element of the strategy of the success of the entire DOE-EM complex.

For most of the period since completion of the Rocky Flats Closure Project Management Plan in June 1998, the political path to closure consisted mainly of implementing the strategy. There were some rough moments, such as when K-H in 1999 informed Congress that despite congressional funding at the requested levels, DOE was imposing costs on Rocky Flats out of the closure scope. These costs, K-H argued, were in effect “taxes” on the cleanup that were impacting 2006. When confronted with information from K-H suggesting that Rocky Flats needed tens of millions of dollars extra to be kept whole, the Secretary rejected the notion and proclaimed Rocky Flats can and will close by 2006 with the money already provided them.

The Secretarial decision to attempt a non-competitive procurement for a contract succession at Rocky Flats in July 1999 and the negotiations and supporting decisions that led to signing a closure contract with K-H in January 2000 are evidence of the final maturation of the strategy. While these decisions do not reflect a significant change in the political path to closure, they do demonstrate the strength of the political momentum of, and investment in, the Rocky Flats closure project. The Secretary of Energy received letters in support of a non-competitive procurement for K-H, one from Democratic Governor Roy Romer and one from Republican Senator Wayne Allard. At various points in the procurement process, the Secretary had to contend with rumors that the decision was motivated by politics. Further, both internal DOE rules and standing appropriations language called for DOE to use competitive procurements unless the Secretary certified to Congress that a specific non-competitive process was justified for a specific procurement, and this could only be done for specified reasons.

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The fact that the Secretary was willing to overcome these obstacles to seek a closure contract with K-H, that the Secretary did indeed face political opposition to this move, and that this political opposition was overcome by a bipartisan coalition of lawmakers supportive of this decision is a fitting testimony to the importance of the overall strategy to closure. The lesson is that a strategy, such as described in this section, made it possible for the DOE to consider an action of potentially enormous value to the public that also carried with it enormous political risks.

The Colorado Dimension of the Strategy

The political path to closure did not run only from the Site to Washington, D.C. – it ran through Denver as well. Political support for the Rocky Flats Closure Project would not have been possible without the active and energetic engagement of the political leadership of the state in the critical years of 1995-1998.

This engagement took many forms. The involvement of the Lt. Governor was essential to the successful negotiation of RFCA. (See [Regulatory Framework](#) section.) As discussed above, the RFCA was a key element enabling the political support from Congress necessary to secure the deal. In the period after the signing of the RFCA in 1996, the Lt. Governor's presence was critical to the effective implementation of RFCA. Staff at DOE, the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA) felt far more obliged to behave in the spirit of the "consultative process" knowing that the lieutenant governor would in the end adjudicate any staff level disputes.

Colorado's support for the closure project went beyond support for the RFCA. Colorado's elected officials – mostly the Lt. Governor but also at times the Governor – intervened at key moments with Washington policy makers (in Congress and DOE) to provide political support to Rocky Flats closure. Further, the Lt. Governor played a key role in building and maintaining a consensus among local elected officials in support of Rocky Flats closure. Lt. Governor Gail Schoettler had served as state treasurer from 1990-1994 and was selected by Governor Romer as his lieutenant governor running mate for his 1994 re-election. After his re-election, Lt. Governor Schoettler was tapped to be the state's chief negotiator on cleanup agreements at the Rocky Mountain Arsenal and Rocky Flats. To many, it was clear that the Lt. Governor was being groomed as the Governor's heir apparent when his third and presumably final term would end in 1998. Success at Rocky Flats was thus critical to the Lt. Governor's own political career.

The Lt. Governor's interventions took many forms. She frequently called or wrote to the Secretary of Energy on a funding issue or to expedite a decision

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on a shipping campaign. Perhaps her most consistent efforts involved mobilizing local governments to act in unison in support of Rocky Flats. The Lt. Governor organized numerous of these “mayors letters” between 1996 and 1998, stating the community’s consensus view on the need for more funding, opening WIPP and expediting removal of waste and materials. The Lt. Governor’s internal credibility was further enhanced by her role on the Commission to Study External Regulation of DOE Nuclear Facilities. While this specific commission and its recommendations did not have a great deal of lasting impact (DOE dropped its pilot program for NRC regulation in 1999) it provided the Lt. Governor with both technical credibility and high level agency access at a critical moment in the development of the Rocky Flats closure project. Overall, the Lt. Governor’s work on RFCA, her interventions with the Secretary and various assistant secretaries and her mobilization of the community on behalf of a consensus view of the Rocky Flats cleanup helped enable the strategy. She was able to demonstrate on many issues, over many years, that community and regulator support for the cleanup was real.

KEY SUCCESS FACTORS

A great deal of this narrative is unique to Rocky Flats. It depended on a specific set of players, a specific configuration of circumstances and even certain socio-economic preconditions that are less likely to be replicated at other sites. However, every site has its own unique set of circumstances, challenges, and opportunities that must be understood, analyzed, and addressed. The fundamental lesson for this section is that any site that moves from a steady-state ongoing operation to closure will experience massive dislocations and traumas, internal and external. Overcoming these traumas will require political support. Political support will necessitate a strategy.

1. Every closure site needs a strategy. This is not profound to state, but it is extremely difficult to implement. Early in the process of closure planning a site needs to establish clear and specific performance targets. These targets need to be described to congressional members in easily understandable terms. The site needs to explain what it needs to achieve these targets, and what consequences it is prepared to bear if it fails. These targets need to be part of an achievable overall plan for closure, and accountability to these targets must be maintained constantly. State political leaders, environmental regulators and DOE HQ – political leadership and the career bureaucracy – must buy into and support these goals and plans. Ideally, this should be more formal than it was at Rocky Flats and should be laid out clearly at the outset of planning, as opposed to developing iteratively through recurring controversies as it did at Rocky Flats.

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2. The strategy cannot succeed without political support from DOE. No strategy can succeed without support from the political leadership of the Department, at the highest level.
3. Alignment among the contract, the regulatory agreement, the budget and site planning documents. The strategy cannot be one of many activities pursued by the site. Either the strategy governs the entire mission focus and closure process or it is irrelevant.
4. DOE and the Contractor must collaborate. The contractor will have more flexibility to work with Congress and the political system; DOE will have more flexibility to work the internal system. Both are needed for success. At Rocky Flats there were occasional divergences between DOE and K-H. When these occurred they made things harder. This collaboration will mean DOE occasionally takes risks that make them uncomfortable. It will mean the contractor often having to address issues that make them uncomfortable. This is the way it must be. No strategy can be successful if it is the sole product of either DOE or the contractor.
5. The basic principles of the strategy must be continually repeated and reaffirmed. Every presentation, every slide show, every Hastings brief or Amelia Island presentation must contain the same basic message. In exchange for funding and support, we pledge to demonstrate specific annual progress and get the whole job done by a date certain. There is no such thing as over-repetition of the message.

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